

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

GARY DALE CRAIGMILES,)
Petitioner,)
vs.) CIVIL ACTION NO.: CV508-056
THOMAS AMMONS, Warden,)
Respondent.)

O R D E R

After an independent and de novo review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Petitioner Gary Craigmiles ("Craigmiles") asserts that he asked his trial counsel to file an appeal after his conviction in the Charlton County Superior Court, but his counsel did not do so, nor did he file an out-of-time appeal. Craigmiles alleges that he discovered he was going to suffer collateral consequences of his conviction when, on July 1, 2006, a new law took effect which required a sexual offender to wear a monitor for the rest of his life, and that these offenders have to bear the costs of this monitoring. Plaintiff contends that he could not have discovered the factual predicate of his claim until that time, and he filed his state habeas petition within a year of July 1, 2006. Craigmiles states that he has attached an affidavit in support of his actual innocence claim.

Even accepting Craigmiles' assertion that he is attacking the collateral consequences of his conviction, he has not shown that he is entitled to tolling of the applicable statute of limitations pursuant to 28 U.S.C. § 2244(d)(1)(D). In addition, the letter written by his sister which Craigmiles submitted does not establish that he is actually innocent of the crimes for which he was convicted.

Craigmiles' Objections are without merit. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Respondent's Motion to Dismiss is **GRANTED**. Craigmiles' petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254, is **DISMISSED**, with prejudice, as it was not filed within the applicable statute of limitations. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 25 day of August, 2009.

HONORABLE LISA GODBEY WOOD
UNITED STATES DISTRICT JUDGE